vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6043 OF 2007

The Maharashtra Executor and
Trustee Company Limited ... Petitioner

V/s.

Smt.Megha Palshikar ... Respondent

Mr.Kiran Bhagalia for Petitioner
Mr.V.P. Vaidyafor Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 3, 2007**

P.C.:

. The petitioner challenges the award part I of the Labour Court dated 21.12.2006. By this award, the Labour Court has held that an enquiry instituted against the respondent was not conducted in a fair and proper manner. Undisputedly, the respondent was employed with the petitioner in its office at Mumbai. She was working as a clerk. She was issued a chargesheet for remaining unauthorisedly absent. The petitioner conducted the enquiry in Pune which is the place of their Head Office. There is no reason furnished as to why the workman was asked to go all the way to Pune for the enquiry especially when she had some medical problems. The Labour Court has rightly held that the enquiry instituted is not fair and proper. The Labour Court in these circumstances has found that the Respondent was

not given a reasonable opportunity to attend the enquiry as it was conducted in Pune. The Labour Court has set aside the enquiry while giving an opportunity to the petitioner to lead evidence to prove the charges in the Court itself.

2. In my view, there is no error of law committed by the Labour Court requiring interference of this Court under Article 227 of the Constitution of India.

3. Petition rejected.